

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.

•

10/617,090

Confirmation No.:

1941

Applicant

Michael T. Carley, et al.

Filing Date

July 9, 2003

Title

Closure Device and Methods for Making and Using Them

Group Art Unit:

Not Yet Assigned

Examiner

Not Yet Assigned

Docket No.

701879.4005

Customer No.

34313

MAIL STOP PATENTS Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. In accordance with the USPTO waiver of the requirement under 37 CFR 1.98(a)(2)(i), only copies of foreign patent documents and non-patent literature are enclosed for the convenience of the Examiner.

CERTIFICATE OF MAILING (37 CFR §1.8)

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Patent s, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dated: June 21, 2004

Lynne/Fulmer

DOCSOC1:151987.1 701879-4005 J2G Applicant Appl. No. Examiner Docket No.

Michael T. Carley, et al. 10/617.090 Not yet assigned 701879.4005

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

		INFORMATION DISCLOSURE STATEMENT FILING FROVISION.
\boxtimes	This IE	OS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b),
that is	(1) with	nin three months of the filing date of the application, which is not a continued
prosec	cution a	pplication filed under § 1.53(d); or (2) within three months of entry of the national
stage a	as set f	orth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the
merits	; or (4)	before the mailing of a first Office action after filing a request for continued
examir	nation ι	under § 1.114. Thus, no fee is required.
	\boxtimes	However, if the undersigned is in error in this regard, Applicant respectfully
		requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if
		applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit
		account referenced below.
		However, if the undersigned is in error in this regard, Applicant respectfully
		requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if
		applicable, and a statement under 37 CFR § 1.97(e) is included below, thus
		no fee is required.
	This ID	OS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office
action	on the	merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance
under	37 CFF	R § 1.311.
		The fee due under 37 CFR § 1.17(p) is submitted herewith.
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is
		required. In the event that this IDS is not received before a Final Action or a
		Notice of Allowance, then Applicant respectfully requests that the Office
		consider the filing of these papers to be submitted under 37 CFR § 1.97(d)
		and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
	This IE	OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37
CFR §		or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue
		nent under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR
		ubmitted herewith

Applicant Appl. No. Examiner

Docket No.

Michael T. Carley, et al. 10/617.090 Not yet assigned 701879.4005

	STATEMENT UNDER 37 CFR § 1.97(e):					
	Each item contained in this IDS was first cited in any communication from a foreign					
patent	patent office in a counterpart foreign application not more than three months prior to the filing o					
this ID	os.					
\boxtimes	No item contained in this IDS was cited in a communication from a foreign patent office					
in a co	ounterpart foreign application, and, to the knowledge of the person signing this statement					
after n	naking reasonable inquiry, no item of information contained in this IDS was known to any					
individ	lual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.					
•	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:					
	A check in the amount of is enclosed for the above fee(s).					
	Please charge to Deposit Account No. 15-0665 for the above fee(s).					
\boxtimes	The Commissioner is authorized to charge any fees required by the filing of these					
papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account						
No. 15-0665 .						
	Door outfully, out with a					
	Respectfully submitted,					
	ORRICK, HERRINGTON & SUTCLIFFE LLP					
Dated	By: June 21, 2004 By: James W. Geriak Reg. No. 20,233					

ORRICK, HERRINGTON & SUTCLIFFE LLP 4 Park Plaza, Suite 1600 Irvine, CA 92614 949/567-6700 Telephone 949/567-6710 Facsimile

Approved for use through 7/31/06. OMB 0651-0031
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/E 1	Under the Paperwork F	Reduction Act of 1995, no p	ersons are requ	rired to respond to a collection of information u	inless it contains a valid OMB control numb	
Substitute for form 1449A/PTO				Complete if Known		
O. MIL	Č.			Application Number	10/617,090	
INFORMATION DISCLOSURE				Filing Date	July 9, 2003	
INFORMATION DISCLOSURE ATEMENT BY APPLICANT (use as many sheets as necessary)			Γ	First Named Inventor	Michael T. Carley	
				Art Unit	Not Yet Assigned	
				Examiner Name	To be assigned	
Sheet	1	of	1	Attorney Docket Number	701879.4005	

	U.S. PATENT DOCUMENTS					
Examiner		U.S. Patent Document	Publication Date	Name of Patentee or		
Initials	Cite No.1	Number-Kind Code ^{2 (if known)}	MM-DD-YYYY	Applicant of Cited Document		
	1.	US 6,623,510 B2	09/23/2003	Carley et al.		
·	2.	US 6,276,704 B1	04/27/2004	Loshakove et al.		

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.1	Foreign Patent Document Country ³ Number ⁴ Kind Code ^{5 (if known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	, Le

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials'	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²		
	3.	DEROWE, A. et al., "Vascular Port Device", PCT Publication No. WO 99/62408, 12/09/1999.			
	4.				
	5.				

Examiner	DOCSOC1:151988.1	Date	
Signature	701879-4005 J2G	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicants unique citation designation number (optional). See Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is govern by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450